

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

000151 APR 12 2009
APR 23 2009

MISSOURI STATE COMMITTEE)
FOR SOCIAL WORKERS,)
)
Petitioner,)
)
v.)
AMIEL ROSENBLOOM,)
)
Respondent.)

No. 08-1502 SW

FILED
APR 13 2009
ADMINISTRATIVE HEARING
COMMISSION

**JOINT MOTION FOR CONSENT ORDER, JOINT STIPULATION OF FACTS,
WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING
COMMISSION AND STATE COMMITTEE FOR SOCIAL WORKERS, AND
DISCIPLINARY ORDER WITH JOINT PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (“AHC”), 1 CSR 15-3.440(3), and pursuant to the terms of § 536.060, RSMo,¹ as it is made applicable to the Commission by § 621.135, RSMo, Amiel Rosenbloom (“Rosenbloom”) and the State Committee for Social Workers (“Committee”) hereby waive the right to a hearing of the above-styled case before the AHC and, additionally, the right to a disciplinary hearing before the Committee pursuant to § 621.110, RSMo, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Rosenbloom’s clinical social worker license for violations of statutes and lawful rules and regulations set forth below.

¹ Statutory references are to Missouri Revised Statutes 2000, unless otherwise indicated.

Rosenbloom acknowledges that he has received and reviewed a copy of the Complaint filed by the Committee in this case, and the parties submit to the jurisdiction of the AHC.

Rosenbloom acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon him by the AHC prior to the entering of its order; the right to have all charges against Rosenbloom proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Rosenbloom; the right to present evidence on Rosenbloom's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial Commissioner concerning the complaint pending against Rosenbloom; and the right to a ruling on questions of law by a Commissioner. Being aware of these rights provided Rosenbloom by operation of law, Rosenbloom knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") and agrees to abide by the terms of this document as they pertain to Rosenbloom.

Based upon the foregoing, the Committee and Rosenbloom jointly stipulate to the following and request that the AHC adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the AHC's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The Committee is an agency of the State of Missouri created and established pursuant to § 337.622, RSMo, for the purpose of executing and enforcing the provisions of §§ 337.600 - 689, RSMo (Cum. Supp. 2008).
2. Rosenbloom was licensed by the Committee as a clinical social worker, License Number 002328 ("License").
3. Rosenbloom's License was issued on or about May 29, 1992 and expired on or about September 30, 2008. At all times relevant herein, until September 30, 2008, Rosenbloom's License was current and in good standing.
4. On or about August 2, 2004, Rosenbloom reported to the Committee on his 2004 license renewal application that he had been unable to complete the required continuing education hours and explained the reason for the failure.
5. On or about August 9, 2004, the Committee sent Rosenbloom a letter informing him that the Committee had granted a one-year extension, until September 30, 2005, to complete the required continuing education hours. The letter further explained that Rosenbloom would still be required to complete thirty (30) additional hours of continuing education before the September 30, 2006 renewal deadline.
6. On or about September 16, 2005, the Committee sent Rosenbloom another letter requesting that he provide documentation, by October 4, 2005, verifying completion of the continuing education hours. The letter further reminded Rosenbloom that he would still

be required to complete an additional thirty (30) hours of continuing education by September 30, 2006.

7. On or about October 21, 2005, Rosenbloom sent the Committee a letter indicating that he has been taking continuing education, but that such was not approved by the Committee.

8. On or about December 6, 2005, the Committee responded to Rosenbloom's October 21, 2005 letter and requested that he send them documentation of the continuing education he had been taking. The Committee requested the information by January 15, 2006.

9. On or about January 8, 2006, Rosenbloom responded with two reference letters regarding the alleged continuing education that Rosenbloom was taking.

10. On or about March 15, 2006, the Committee sent Rosenbloom a letter requesting additional information regarding his alleged continuing education. The Committee requested a response by April 15, 2006.

11. On or about April 6, 2006, Rosenbloom sent the Committee a letter explaining that the individuals who would have additional information were not available at that time, but would be available in May. Rosenbloom further stated that he hoped to have the information by the second week of May.

12. In response, the Committee extended the deadline for more documentation to May 12, 2006.

13. On or about May 10, 2006, Rosenbloom submitted two (2) reference letters that described in more detail the alleged continuing education.

14. On or about June 12, 2006, the Committee sent Rosenbloom a response letter explaining that the information provided failed to meet the Committee's continuing education requirements.

15. To date, Rosenbloom has failed to complete the thirty (30) continuing education hours required for the 2004 license renewal period.

16. On or about September 29, 2006, Rosenbloom submitted a renewal application for the 2006 renewal period. On the 2006 renewal application, Rosenbloom marked that he had not completed the thirty (30) hours of continuing education to satisfy the requirements for the 2006 renewal period.

17. On or about September 23, 2008, Rosenbloom submitted a renewal application for the 2008 renewal period. On the 2008 renewal application, Rosenbloom marked that he had not completed the thirty (30) hours of continuing education to satisfy the requirements for the 2008 renewal period.

JOINT PROPOSED CONCLUSIONS OF LAW

18. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 337.630, RSMo.

19. Section 337.618, RSMo, establishes the continuing education requirement for licensed social workers, and states in pertinent part:

Each license issued pursuant to the provisions of sections 337.600 to 337.689 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months.

The committee shall require a minimum number of thirty clock hours of continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689. The committee shall renew any license, other than a provisional license, upon application for a renewal, completion of the required continuing education hours and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

20. Section 337.630.2, RSMo, sets forth the grounds for discipline and states in pertinent part:

2. The Committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

...

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

....

21. Regulation 20 CSR 2263-2.075,² which sets forth the requirements for the renewal of licensure, provides, in pertinent part:

(1) All licenses shall be renewed on or before the expiration of the license. Failure of a licensee to renew the license shall cause the license to lapse. Failure to receive notice shall not relieve the licensee of the obligation to renew the license to practice as a licensed social worker and to pay the required fee prior to the expiration date of the license. Renewals shall be postmarked no later than the expiration date of the license or if the expiration date is a Sunday or federal holiday then the next day to avoid the late renewal penalty fee as defined in the rules promulgated by the committee. Deposit of the renewal fee by the division does not constitute acceptance of the renewal application.

(2) Each licensed social worker shall provide the committee with a completed renewal form issued by the committee that shall contain:

(J) Affirmation that the licensee has fulfilled the ethical standard of maintaining continued competence by the completion of at least thirty (30) clock hours of continuing education.

22. Regulation 20 CSR 2263-2.082, which sets forth the requirements for continuing education, provides, in pertinent part:

(1) As a condition for renewing a license to practice, all licensed social workers shall be required to have completed acceptable continuing professional education courses prior to the renewal of the license.

(A) For the purpose of this rule, hours are considered the same as clock hours.

² Regulation 20 CSR 2263 was listed as 4 CSR 263 until August 28, 2006. No substantive changes to the language of the Regulation were made at that time.

(B) Baccalaureate social workers shall annually complete fifteen (15) hours of continuing education units.

...

(D) All other licensed social workers shall complete thirty (30) clock hours of acceptable continuing professional education courses prior to the renewal of their license.

23. By failing to complete the required continuing education for the 2004 renewal application, Rosenbloom violated 20 CSR 2263-2.075 and 20 CSR 2263-2.082, providing cause for the Committee to discipline Rosenbloom's license as a clinical social worker pursuant to Section 337.630.2(6), RSMo.

24. By failing to complete the required continuing education for the 2006 renewal application, Rosenbloom violated 20 CSR 2263-2.075 and 20 CSR 2263-2.082, providing cause for the Committee to discipline Rosenbloom's license as a clinical social worker pursuant to Section 337.630.2(6), RSMo.

25. By failing to complete the required continuing education for the 2008 renewal application, Rosenbloom violated 20 CSR 2263-2.075 and 20 CSR 2263-2.082, providing cause for the Committee to discipline Rosenbloom's license as a clinical social worker pursuant to Section 337.630.2(6), RSMo.

JOINT AGREED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of § 621.110, RSMo:

1. As soon as practicable, but prior to September 30, 2010, Rosenbloom shall complete and submit to the Committee proof of completion of ninety (90) hours of Committee-approved continuing education units and pay all fees required to renew his license. The Committee shall credit Rosenbloom with fees already submitted to the Committee for denial of license renewal in 2008. The ninety (90) hours of continuing education required by this paragraph is in addition to the thirty (30) hours of continuation education required for renewal of Rosenbloom's license for the September 30, 2010, renewal period. Respondent shall be responsible for any cost associated with obtaining this continuing education.

2. Upon submission of proof of completion of ninety (90) hours of Committee-approved continuing units and the requisite fees, Rosenbloom's license as a clinical social worker, license number 002328, will be renewed by the Committee in a current and active state. At such time, Rosenbloom's License shall be placed on PROBATION for a period of two (2) years ("the Disciplinary Period"). During Rosenbloom's probation, Rosenbloom shall be entitled to engage in the practice of clinical social work under Chapter 337, RSMo, provided he adheres to all the terms of this Joint Stipulation.

I. GENERAL REQUIREMENTS

- A. Rosenbloom shall meet with the Committee or its representative at such times and places as required by the Committee after notification of a required meeting.
- B. Rosenbloom shall keep the Committee apprised of his current home and work addresses and telephone numbers. Rosenbloom shall inform the Committee within ten (10) days of any change of home or work address and home or work telephone number.
- C. Rosenbloom shall comply with all provisions of Chapter 337, RSMo, as they pertain to the practice of social work; all applicable federal and state drug laws, rules and regulations; and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
- D. During the Disciplinary Period, Rosenbloom shall timely renew his license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Rosenbloom's license in a current and active state.
- E. During the Disciplinary Period, Rosenbloom shall accept and comply with unannounced visits from the Committee's representatives to monitor his compliance with the terms and conditions of this Joint Stipulation.

- F. If Rosenbloom fails to comply with the terms of this Joint Stipulation, in any respect, the Committee may impose such additional or other discipline that it deems appropriate.
- G. Rosenbloom shall notify, within fifteen (15) days of the effective date of this Joint Stipulation, all facilities (if any) where Rosenbloom practices of Rosenbloom's disciplinary status. Notification shall be in writing and Rosenbloom shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.
- H. For purposes of this Joint Stipulation, unless otherwise specified in this Joint Stipulation, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Joint Stipulation shall be forwarded to: State Committee for Social Workers, 3605 Missouri Boulevard, Post Office Box 1335, Jefferson City, Missouri 65102.
- I. This Joint Stipulation does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Rosenbloom not specifically mentioned in this document.

II. REQUIREMENTS REGARDING CONTINUING EDUCATION

Rosenbloom shall, before September 30, 2010, complete and submit to the Committee proof of completion of the thirty (30) hours of continuing education units necessary for the 2010 license renewal period. The continuing

education must be provided by Committee-approved sponsors. Failure to obtain the required continuing education hours and/or submit the required documentation to the Committee will result in a violation of the terms of Discipline.

3. The parties agree that the Committee will not thereafter seek further disciplinary action against Rosenbloom for the allegations referenced in this Joint Stipulation or the Complaint referenced herein.

4. The parties to this Joint Stipulation understand that the Committee will maintain this agreement as an open record of the Committee as provided in Chapters 337, 610, and 620, RSMo, as amended.

5. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and its settlement.

6. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

7. Rosenbloom hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorneys fees

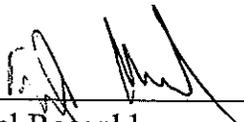
and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this Paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems this Joint Stipulation or any portion thereof void or unenforceable.

8. This Disciplinary Order will be effective immediately upon the issuance of the Consent Order of the Commission without further action by either party.

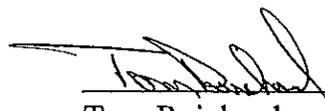
In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Disciplinary Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by Petitioner in the above-styled action.

LICENSEE

COMMITTEE



Amiel Rosenbloom
License Number 002328



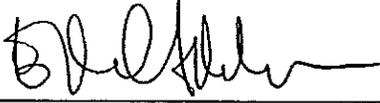
Tom Reichard
Executive Director
State Committee for Social Workers

Date: 3/26/09

Date: 4/2/09

Complaint No. 2005-005179

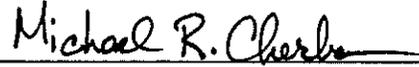
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